

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-121

vs.

VIRGIL R. LEE,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING THE PARTIES' JOINT MOTION TO CONTINUE; (2) EXCLUDING THE TIME FROM JANUARY 16, 2023 UNTIL MARCH 6, 2023 FROM THE SPEEDY TRIAL ACT CALCULATION; (3) FINDING THAT THE NEW SPEEDY TRIAL ACT DEADLINE IS MARCH 6, 2023; AND (4) ORDERING THE PARTIES TO INDICATE BY MARCH 1, 2023 WHETHER THIS CASE SHALL PROCEED TO TRIAL ON MARCH 6, 2023

This criminal case comes before the Court on the parties' joint motion to continue made at the telephone conference held on January 9, 2023. The Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance outweighs the best interest of the public and defendant in a speedy trial. Failure to grant the requested continuance would deny both the government and defendant the time necessary for effective preparation (such as having witnesses available to testify at trial), and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7).

Thus, the Court hereby **GRANTS** the joint motion to continue. The time from January 16, 2023 through March 6, 2023 is **EXCLUDED** in computing the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial. Accounting for the time excluded from the Speedy Trial Act calculation, the Court **FINDS** that the new Speedy Trial Act

deadline in the instant case is March 6, 2023. Additionally, the parties are **ORDERED** to indicate **on or before March 1, 2023** whether they intend to proceed to trial on March 6, 2023 or if they require a continuance.

IT IS SO ORDERED.

January 9, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge